

REMARKS

Claims 1-16 are pending in the application. Applicant requests reconsideration of the rejection based upon the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4, 7, 8, and 11-16 are rejected as obvious in view of Applicant's acknowledged state of the art in view of Seibel (US 3,364,056). The Examiner argues that the primary reference (Applicant's disclosure on page 1, lines 4-8) and the teachings of Seibel establish a *prima facie* case of obviousness. The Examiner notes that "it is the primary reference that is relied upon to show an adhesive means, such as a connecting element at page 1, lines 4-8 of the instant specification, incorporated in the fastening part".

Applicant respectfully traverses this rejection. The referenced disclosure summarizes what is involved in the present invention rather than providing any teachings regarding the state of the prior art. The disclosure beginning with the first paragraph on page 1, details the following:

"The invention involves a fastening part, especially for the foaming of cushion parts in the manufacture of vehicle seats, with adhesive elements on the one side to link with corresponding adhesive elements of another fastening part forming a fastening and with one connecting element in the nature of a fastening medium on the other side of the fastening part for the making of a connection with the respective foam material. The invention also involves a process for the manufacture of a fastening part to that effect as well as a device for the application of the process.

Fastening parts in a general form are known through EP 0 612 485, whereby the fastening part is laid in a foam form..." (underlining added for emphasis)

In contrast to the comments in the Office Action, the application describes the failings of the prior art, including EP 0 612 485, EP A 0 809 952, and EP A 0 754 416. None of these prior art documents teach, hint, or suggest that an adhesive medium, such as fluorine, would be incorporated into the fastening part as a laid-in component. The prior art generally discloses conventional adhesive elements (such as hooks) placed in foam that may be used in combination with conventional adhesives (such as glues and other adhesive mediums placed on the exterior of the adhesive element). Applicant respectfully asserts that the disclosure contained in the application fails to detail that "wherein the adhesive medium is a laid-in component of the fastening part" (as set forth in claim 1) was known in the prior art.

The secondary reference, Seibel, does not alleviate the failings of the primary reference as discussed in the previous response. Seibel discloses a method for increasing the adhesivity of polyolefin to a synthetic plastic coating, such as a lacquer coating. Reference is made to column 1, lines 45-50. Although Seibel discloses that such a treatment can be performed to plates, films, tubes, and injection moldings, there is no teaching, hint, or suggestion regarding an adhesive medium being incorporated into a fastening part, which forms a connection with a foam material, such as the material of a seat cushion for a vehicle or furniture.

Furthermore, Applicant notes that the Examiner previously relied upon the teachings of Dixon, which explained that the "combined fluorine groups on the polyester surface do not, apparently, have any detrimental effect, despite the inert non-stick characteristics often ascribed to fluorocarbon surfaces" and that "the surface so *hampers adhesion*, the disappearance thereof substantially improves adhesive bonding". See column 3, lines 45-59 of Dixon. So it appears that it was known in the prior art (previously cited by the Examiner) that fluorine groups hamper adhesion on a polyester surface absent the use of adhesive bonding. As the Examiner is aware, the totality of the prior art must be considered, and proceeding contrary to accepted wisdom in the art is evidence of nonobviousness. *In re Hedges*, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir.

1986). See M.P.E.P. 2145.

Due to the foregoing, Applicant respectfully submits that independent claim 1 is not obvious in view of the cited prior art. Therefore, the rejection of claim 1 and the resulting dependent claims should be withdrawn. The features set forth in claim 1 are novel and define a contribution over the cited prior art.

Furthermore, Applicant submits that the currently cited prior art fails to detail that the fluorine will be applied in a nitrogen atmosphere as set forth in claims 3 and 7. Likewise, the cited prior art fails to detail that the applying step is a continuous operation with 3 percent fluorine at room temperature and reduced pressure as stated in claims 4 and 8. Nor does the cited prior art detail a procedure where the applying step is a discontinuous operation with 10 percent fluorine at 40 to 50 °C at a reduced pressure as explained in claims 11 and 14.

CONCLUSION

Applicant earnestly awaits allowance of the application. If any additional fees are due in connection with the filing of this response, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

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* Practice is limited to matters and proceeding before federal courts and agencies.